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MEDICAL JURISPRUDENCE

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Liability of hospitals for negligence of their attendants. The courts have made a distinction between the liability of private and public charitable hospitals for damages for malpractice, holding the former liable in damages for the negligence of its attendants, while the latter are only held liable to their patients for the failure to exercise due care in the selection of its agents. The reason for this distinction is that the latter institutions have no capital stock, no provision for making dividends or profits, and whatever they may receive from any source they hold in trust to be devoted to the object of sustaining the hospital and increasing its benefits to the public by extending or improving its accommodations and diminishing its expenses. Their funds are derived mainly from public and private charity; their affairs are conducted for a great public purpose, that of administering to the comfort of the sick, without any expectation on the part of those immediately interested in the corporation of receiving any compensation which will enure to their own benefit, and without any right to receive such compensation.

The application of these principles is important in nursing. The nurse is expected to possess ordinary skill and knowledge of the principles and practices of nursing. She must use reasonable care and diligence in looking after a patient. She can be held responsible for giving the wrong medicine if injury results, for lack of reasonable care could easily be shown. Reasonable care and diligence include the consideration of many apparently small and trivial matters, but nothing in the care of a patient is too insignificant to notice. Attention to detail determines success.

In the nursing of infants and children, it is of the greatest importance that the ordinary rules of cleanliness and hygiene be most implicitly carried out. It is the duty of the physician to give the first care to the eyes of the child at birth, and to watch the child while under his observation, but the necessity of after care is apparent and this is an important part of the duty of the nurse. Absolute cleanliness is imperative, and in institutions, individual outfits for each child are absolutely essential. The occurrence of vaginitis in children, especially in institutions, is most unfortunate, and here the nurse must use the greatest care in the toilet of each child.

A nurse must be as careful in the prevention of the spread of infectious and contagious diseases as is the physician, and in the care of

patients with infectious wounds, or the sores of infectious conditions. The family of the patient must be protected from danger of infection.

The greatest care should be exercised in using the catheter, for it is easy to cause a cystitis in a patient; it is painful to the patient and sometimes it is difficult to explain any other cause for the cystitis.

The patient should be prevented from doing injury to himself or herself. A delirious patient has to be more closely watched than a rational one; it always reacts most disagreeably upon those caring for a patient to have him break a bone by falling out of bed, or to have a delirious pneumonia or typhoid patient jump from a window. Although this is not always due to lack of care and attention, it is most unfortunate to have it happen. A child should never be left so that he can fall from a table, or from a chair, or so that pillows may fall upon him and smother him; this has happened many times. Children have been killed, accidentally or otherwise, by being rolled upon while in bed with the mother or some other person.

The subject of burns is one of great importance to a nurse, not only in hospital practice, but also in private work. There are many ways in which the patient may be severely burned and these ways should always be kept in mind by those caring for a patient. Patients have been painfully burned by allowing mustard pastes to remain too long on a part; it is always embarrassing to remove a mustard paste and find a blister which is often slow in healing. Burns may also follow the use of hot water bags and are inexcusable. Cupping, when improperly performed, may result in burning the skin of the patient. Care must be exercised in giving hot packs to see that the patient is not injured. Burns may result from the use of some of the electrical heating appliances, and we should always be on our guard against these. In giving the patient a bath, never leave her in the tub with running hot water and go out of the room. Patients have been severely scalded, sometimes scalded to death, in this manner. Steam baths and vapor baths must be carefully watched so that the patient will not be injured.

As stated by the Supreme Court of Pennsylvania: "It is a flagrant crime at common law to attempt to procure the miscarriage or abortion of the woman, because it interferes with and violates the mysteries of nature in that process by which the human race is propagated and continued." This question is now regulated by statutes in the several states which specify what acts shall constitute the crime. In the majority of the states these statutes fail to draw any distinction between the commission of the offence, or attempt at commission, before and after the quickening of the child. Legally, abortion is defined as the act of miscarrying or producing young before the actual time and before the fetus is formed, and to cause or procure an abortion is to cause or procure this premature

bringing forth of the fetus. Miscarriage and abortion in their legal and popular sense are generally held to mean the same thing. Feticide is also used to mean criminal abortion.

Under the statutes, any person who unlawfully supplies, administers to, prescribes for, or advises and causes to be taken by a pregnant woman any drug, poison, substance or anything, or unlawfully uses or causes to be used, any instrument or other means whatever with intent to cause or procure an abortion, is a principal. Any person who in any manner aids, abets or assists the woman or any other person to procure abortion is an accessory or accomplice. All parties concerned in the offense are responsible, whatever may be the part they take.

The nurse should never take part in an illegal operation in any capacity, and she should remember that to give aid in any way to the performance of an abortion makes her equally liable with the one who actually performs the operation.

Do not suggest medication or modes of treatment to people; this is in a way practising medicine and is illegal. It is sometimes hard not to tell people what to do, but always remember that those who are most ready to accept advice, especially free advice, are the most ready, if injury results, to seek redress at law.

A nurse is not compelled to accept any patient, and she may discontinue a case if there is a good reason. She does not have to accept insults, or abuse. It is often necessary to use much tact with a patient and she should remember that a delirious one may be more difficult to handle than a rational one. Avoid anything which would tend to cause jealousy in a family. A patient's family frequently becomes very unreasonable, without cause, when a nurse is in the house. If the nurse has any reason to complain, she will frequently find that with a few words to the physician in charge of the case, he can make things much more satisfactory. Never leave a patient without having the physician know of your desire to leave, and then give him time enough to obtain some other assistance.

The rules and regulations of the Board of Health must be observed. These rules are made for the benefit of the community and the feelings of the individual cannot be considered when the interest of the community is at stake. Cases of reportable diseases should be reported and all necessary precautions must be taken to prevent the spread of such diseases. The Board of Health has authority to enforce its regulations; we are not only legally bound to prevent the spread of disease but morally. Do not use your own judgment in reportable cases, but conform to the legal requirements.